

REMARKS

Responsive to the Office Action mailed 07 October 2008 and with an extension of time of ONE MONTH the present paper is timely filed on or before February 7, 2009.

By the present paper, claims 1 - 4 are amended and no claims are cancelled. Claims 1 - 4 are under examination.

Replacement drawings are presented for Figures 1, 2, 4, and 7.

Entry of the claim amendments, entry of the replacement drawings, and reconsideration of the Application are respectfully requested.

The Replacement Drawings:

Replacement drawings for figures 1, 2, 4, and 7 are filed herewith.

Figures 1, 2, and 4 are amended to include descriptive legends as required by the Office Action. Applicants respectfully submit that support for the amendments to the drawings can be found throughout the Detailed description of the Invention.

Figure 7 is amended to include the descriptor "Prior Art" as required by the Office Action.

Applicants respectfully submit that the amendments to the drawings do not introduce new matter into the Application.

The Claim Amendments:

Claim 1 is amended to point-out with even greater particularity that which Applicants consider as their invention by making even more clear that a pressure reducing valve is upstream of the diaphragm, the diaphragm in turn upstream of the mixing point.

Claim 2 is amended to point-out with even greater particularity that the back pressure valve of claim 2 is the back pressure valve of claim 1.

Claim 3 is amended to remove its dependency from claim 1.

Claims 3 and 4 are amended to conform them even better to U.S. practice.

Applicants respectfully submit that support for the amendments can be found, for example, in the claims as filed and that the claims amendments do not introduce new matter.

Claim Rejections Under 35 USC § 102:

Claims 1, 3/1 and 4/1 were rejected as allegedly anticipated by Lubitzsch et al., United States Patent 4,219,038. Applicants respectfully traverse.

The '038 patent discloses two supply lines ([1] and [2]). Each supply line has a pressure reducing valve [5, 6] and a regulating valve [7, 8]. The supply lines meet at a mixing line [12]. But the '038 patent does not teach that the mixing line has a back pressure valve. A valve for controlling one pressure

regulator is not a back pressure valve, as that term would be understood by one skilled in the art in light of Applicants' specification.

Because the '038 patent does not teach all of the elements of Applicants claims, the '038 patent does not anticipate Applicants claims. *See* M.P.E.P. § 2131. Accordingly, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103:

Claim 2, 3/2/1 and 4/2/1 were rejected under 35 U.S.C. § 103 as allegedly obvious over the '038 patent in view of Henry Walker Bartlett, Jr., United States Patent 6,280,692 ("the '692 patent"). Because modification of the teachings of a reference cannot alter the principal of operation of the reference or render it unsuitable for its intended purpose and further because neither the '038 patent nor the '692 patent teach or suggest all of the elements (limitations) of Applicants claims, Applicants respectfully traverse.

Contrary to the apparent conclusion of the Office, the patentability of Applicants' claims does not rest on the simple addition of a known flow meter to their otherwise inventive apparatus. Rather, a distinguishing feature of the apparatus of the claims is the use of a back pressure valve in the mixing line, controlling the pressure on upstream and downstream sides. In this way, fluctuation in the pressure on the downstream side does not affect the fluid flow or fluid dynamics in the supply lines upstream of the merge with the mixing line.

This configuration produces an effect that changing the flow rate in one supply line does not impact the fluid dynamics in the other supply line(s) and there is no deterioration in the supply in this lines. This facilitates the adjustment of fluid mixing ratio.

Furthermore, if an adjustment of flow rate is made on the downstream side of the back pressure valve, this adjustment does not impact the flow dynamics upstream of the back pressure valve. Modification of the '038 as urged by the Office would not produce this effect and would require changing the principal of operation of the apparatus of the '038 patent. For at least this reason, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Conclusion:

Based on the forgoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would advance prosecution of the application, the Examiner is invited to telephone the undersigned attorneys.

REQUEST FOR EXTENSION OF TIME

Applicants respectfully petition for an extension of time to reply of ONE MONTHS, the fee of \$130.00 due therefor under 37 C.F.R. § 1.17(a)(2) is paid herewith by credit card. PTO form PTO-2038 accompanies this paper

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

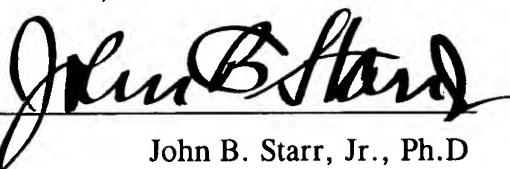
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encl: Replacement figures 1, 2, 4, 7; PTO-2038